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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43602-2023
Date of decision:-24.02.2025

SURAJ KUMAR @ SURAJ
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. J.S. Dadwal, Advocate for the petitioner.

Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
178	27.12.2022	21(C), 25, 29 of NDPS Act	Majitha Road, Amritsar

2. Brief facts of the case are that on 27.12.2022 a secret information was received by the police to the effect that petitioner is dealing in narcotics and if apprehended huge quantity of the same will be recovered. During search, petitioner was apprehended and from his possession 1 kg of heroin was recovered.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 27.12.2022 and after completion of investigation challan has already been presented in Court, and conclusion of



trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during search, petitioner was arrested and 1 kg of heroin was recovered from him which falls within the purview of commercial quantity and attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. He further submits that petitioner is involved in two other criminal cases one under NDPS Act and other under IPC and Arms Act, hence, prayed for dismissal of the regular bail petition.

5. After considering the rival contentions and perusing the record, it transpires during course of investigation, police had apprehended the petitioner and recovered 1 kg of heroin which falls within the purview of ‘commercial quantity’ and attracts bar under Section 37 of the NDPS Act. The petitioner is not having clean antecedents. Considering the nature and gravity of the offence, and also the fact that the recovered contraband falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.02.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No